

DEPARTMENT OF PESTICIDE REGULATION SUMMARY DESCRIPTIONS OF FUNCTIONS

Product Registration

Pesticide registration is the scientific, legal, and administrative evaluation process of a pesticide product before it can be sold or used in California.

The registration process also includes special registration activities such as reviewing and issuing research authorizations, reviewing and issuing emergency exemption Section 18 products, reviewing and registering structural pest control devices; and consulting with the U.S. Environmental Protection Agency on federal registration issues.

Risk Assessment

Risk assessment is a process designed to answer questions about a chemical's toxicity, what exposure results from its various uses, what the probability is that it will cause harm, and how to characterize the risk. Risk assessment can be broken down into four steps: (1) hazard identification; (2) dose-response assessment; (3) exposure assessment; and (4) risk characterization. The Department of Pesticide Regulation (DPR) takes a comprehensive approach to risk assessment and assesses potential dietary, workplace, residential, and ambient air exposures. Risk assessment is often the driving force behind new regulations and other use restrictions.

Risk assessment also includes special toxicology review activities, such as reviewing emergency determinations of potential human impacts resulting from illegal residues of pesticides on agricultural commodities, and coordinating Proposition 65 activities with the Office of Environmental Health Hazard Assessment.

Licensing and Certification

Licensing and certification is DPR's process of ensuring that persons selling, possessing, storing, handling, applying, and recommending the use of pesticides are knowledgeable in their safe use. DPR examines and licenses commercial pest control applicators, aerial applicators, pesticide dealers and brokers, and pest control advisers; and certifies pesticide applicators that use or supervise the use of restricted pesticides.

Such licenses and certificates cannot be renewed unless the holder has completed certain minimum continuing education hours related to pesticides or pest management within each two-year license or certificate period.

Permitting and Use Reporting Systems

Permitting and use reporting are systems of collecting and processing data on full use reporting of agricultural and nonagricultural pesticide applications, per the Food Safety Act of 1989 (Chapter 1200, Assembly Bill 2161). Under full use reporting, certain

agricultural pesticide uses are required to be reported to the county agricultural commissioner, who, in turn, reports the data to DPR. DPR also collects reports from nonagricultural pest control businesses and pesticide use in schools. Full use reports include the amount and name of the pesticide applied, date and location (section, township, range) of the application, and the crop, if the application was agricultural. The primary exceptions to the use reporting requirements are home and garden use and most industrial and institutional use. The pesticide use reports are compiled by DPR and made available on disc and on the Web. DPR provides support to county agricultural commissioners on their administration of the Restricted Material Permit Program.

Monitoring/Surveillance (Continuous Evaluation)

Monitoring/surveillance is an ongoing process to determine the fate of pesticides, protecting the public and the environment from pesticide contamination through analyzing hazards, and developing pollution prevention strategies. Monitoring/surveillance program activities include ground water monitoring, surface water monitoring, air quality monitoring, pesticide illness surveillance, market surveillance, and special monitoring programs such as pest management and eradication projects, and environmental fate and exposure projects. The monitoring of pesticide residues in food is also a major component of the monitoring/surveillance activities.

Mitigation of Human Health Risks

Mitigation of human health risks involve developing mitigation strategies and proposals based on scientific data for pesticides that have unacceptable risks to humans associated with exposure. These may include unacceptable pesticide exposure in air, the workplace, and in food and water. Mitigation measures may include developing proposed label changes, regulations (includes rulemaking process), and placing conditions on registration. As part of the mitigation development process, efforts are placed on obtaining and providing input on mitigation proposals from both internal and external stakeholders, responding to their comments, conducting a peer review of mitigation documents, and finalizing documents for release to the public.

Mitigation of Environmental Hazards

Mitigation of environmental hazards is the process of developing strategies and proposals based on scientific data to reduce and lower the risks for pesticides that have unacceptable risks to the environment (including endangered species and phytotoxic residues) from contaminants in ground water, surface water, and air. As part of the mitigation development process, efforts are placed on obtaining and providing input on mitigation proposals from both internal and external stakeholders, responding to their comments, conducting a peer review of mitigation documents, and finalizing documents for release to the public.

Pest Management Programs

Pest management programs include school Integrated Pest Management (IPM), pest management grants, pest management activities, IPM innovators, technical/scientific resource services, and outreach to stakeholders.

- School IPM: Preventing children's exposure to pesticides by facilitating adoption of IPM in schools.
- Pest Management Grants: Accepting and selecting alliance grant contract applications (emphasizing collaborative problemsolving with industry on priority problems such as volatile organic compounds, total maximum daily loads, agricultural waivers, etc.).
- Pest Management Activities: IPM innovators--soliciting and evaluating nominations, and conducting award events; conducting outreach workshops for professional organizations; and participating in scientific pest management activities with industry and other federal agencies.
- Technical/Scientific Resource Services: Evaluating pest management practices that prevent environmental and human health problems.

Use Enforcement & Compliance

Enforcement activities include establishing statewide enforcement priorities, overseeing county agricultural commissioners' (CACs) pesticide use enforcement activities, and conducting investigations and taking enforcement action. Statewide enforcement guidance includes identifying priorities and developing a prioritization plan of performance objectives and strategies; negotiating enforcement work plans with each CAC; preparing an evaluation on the effectiveness of the county program; and consulting with CACs on the pesticide enforcement program, including investigations, researching and analyzing various compliance trends, and advising CACs of DPR policies, procedures, and developing issues. Enforcement activities include determining if an administrative civil penalty is required and sending a Notice of Proposed Action to a respondent; making an offer to settle with the respondent and/or conducting a hearing with the respondent; preparing findings of fact, Notice of Final Decisions (NOFD), and Director's Order; signing Notice of Final Decision and Order; providing appeal procedures to the respondent; and levying a civil penalty if respondent's appeal does not lead to a reversal of the decision.

Product Compliance/Mill Assessment

The focus of the mill assessment and product compliance program is to ensure products are registered prior to sales and use in California, that they are labeled correctly, and that the mill assessment fees have been paid. Mill assessment is a fee that California assesses on all pesticide sales, levied at the point of first sale into the state. A "mill" is equal to one-tenth of a cent. In 2004, this "mill assessment" equals 21 mills, or 2.1 cents per dollar of sales. Mill assessment revenues are placed in a special fund used to support the state's pesticide regulatory program. The mill assessment program is a self-assessment

system. Each quarter, DPR mails reporting forms to pesticide registrants, licensed pest control dealers, and licensed pesticide brokers. Completed forms are due to DPR within 30 days of the end of the quarter. To ensure that products in the channels of trade are in compliance with state pesticide laws and regulations, staff conduct inspections of products offered for sale, reviewing labels to ensure they are registered. DPR conducts audits of pesticide sellers to ensure they are paying sufficient assessments on their sales. Sellers in violation of product compliance and/or mill assessment requirements are subject to civil penalties.

Distributed Program/Executive Management and Administration

Executive management and administration includes traditional leadership and support costs related to budgets, accounting, contracts, personnel, information technology, legal, legislation, and communication. Sometimes these costs are allocated to specific functional categories. However, they are usually allocated to a cost pool and then distributed across the other ten categories as a percentage of workload.